



**DEPARTMENT OF PUBLIC SAFETY  
POLICIES & PROCEDURES**



POLICY NUMBER	
OPR:18	
EFFECTIVE DATE: 08/13/2012	ORIGINAL ISSUED ON: 03/29/1996
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**SUBJECT: CRASH RECONSTRUCTION UNIT**

## **1.0 PURPOSE**

The purpose of this policy is to establish guidelines and procedures for the application and utilization of the Crash Reconstruction Unit of the New Mexico Department of Public Safety,

## **2.0 POLICY**

It is the policy of the Department of Public Safety to maintain a team of officers who are qualified to reconstruct traffic crashes and offer expert opinions in crash reconstruction. This will aid in establishing facts about the cause of traffic crashes that are likely to result in felony criminal prosecutions. It is also the intent of this policy to accomplish this in a manner which efficiently maintains and utilizes the specialized skills of those officers assigned as crash reconstructionists.

## **3.0 APPLICABILITY**

This policy applies to all commissioned officers of the Department of Public Safety.

## **4.0 REFERENCES**

- A. CALEA Ch. 61 - Traffic**
- B. New Mexico Criminal and Traffic Law Manual**

## **5.0 DEFINITIONS**

- A. Crash Re-constructionist** – A commissioned officer, assigned to the New Mexico Department of Public Safety (NMDPS) Crash Reconstruction Unit (CRU), who has been certified in crash reconstruction through the Traffic Institute of Northwestern University, the Institute of Technology and Police Management (IPTM), or another comparable educational institution.
- B. Crash Reconstruction Unit Commander** – An officer within the Department of Public Safety designated by the Chief.
- C. CRU** – Crash Reconstruction Unit.
- D. Requesting Party** – A person or agency requesting a reconstruction investigation.

## **6.0 PROCEDURE**

The New Mexico Department of Public Safety (NMDPS) Crash Reconstruction Unit (CRU) will be utilized to reconstruct traffic crashes and offer expert opinions in crash reconstruction. The NMDPS CRU will be available to reconstruct crashes for DPS and other police agencies within the state. The CRU will conduct crash reconstructions dealing with fleet crashes, crashes involving other law enforcement agencies, major fatality crashes, crashes involving school buses, heavy vehicle crashes, rail (train) crashes, and crashes involving pedestrians or motorcycles at the discretion of the CRU Commander or Assistant Commander. The CRU Commander will report to the NMDPS Special Operations Bureau Commander.

**A. Requests for Reconstruction of a Crash**

Requests for the reconstruction of a traffic crash will be initiated by the requesting party telephonically, or in written or electronic form. In all cases they shall be immediately forwarded to the CRU Commander or Assistant Commander for assignment.

1. *Hot Case* Reconstruction Requests – Crashes which are under investigation at the original scene.

These requests shall be assigned immediately by the CRU Commander or Assistant Commander who shall contact Unit members via telephone according to the on call list. Two members shall be assigned to respond. More members may be assigned at the discretion of the CRU Commander or Assistant Commander considering the following:

- a. The nature of the crash and the likelihood of subsequent criminal charges or civil proceedings.
  - b. Budgetary constraints.
  - c. The effective utilization of other team members to maintain proficiency in advanced and / or specialty reconstruction skills.
2. *Cold Case* Reconstruction Requests – Crashes where the original scene is **not** intact and the evidence has been removed or partially removed.

These requests shall be forwarded to the CRU Commander or Assistant Commander for assignment. The CRU Commander or Assistant Commander will;

- a. Review the request regarding the ability of the CRU to assist in the investigation taking into account the specific requirements by the requesting party.
- b. If the reconstruction request is approved, two or more members of the CRU will be assigned via written orders. One member will be designated as the lead investigator.
- c. Assign a due date for the final reports to be submitted.

**B. Assignment of Crash Re-Constructionists**

1. It is the policy of DPS to assign two (2) crash re-constructionists to work as a team for the purpose of reconstructing major crashes in cases where a criminal prosecution is being contemplated.
2. Upon notification of a request, the CRU Commander or Assistant Commander, in consultation with the District Commander, will assign one re-constructionist from within the district, if available. The second re-constructionist (or both, if one is not available within the district) will be assigned by the CRU Commander or Assistant Commander, who will take into consideration the factors described in A. 1 and 2 above.

**C. Responsibility of Assigned CRU member(s)**

The assigned CRU member(s) will:

1. Complete the on-site and physical evidence examinations.
2. Notify the CRU Commander or Assistant Commander when the assignment is completed or provide justification for the particular circumstances that will necessitate additional time to complete the assignment.

3. Produce a reconstruction report within the assigned time period. This report will be entered into the CJIS system.
4. Forward a copy of the report, in draft form, for review by the CRU Commander or Assistant Commander prior to the final report being distributed to the requesting party.
5. When finalized, the reconstruction report will be distributed as follows:
  - a. Original will be sent to the requesting agency.
  - b. A copy will be retained by the crash re-constructionist.
  - c. A copy will go to the CRU Commander.
6. For tracking and administrative purposes, if a team member is called to testify as an expert witness in a case in which he/she was assigned to conduct a crash reconstruction, the CRU Commander will be provided a copy of the subpoena and notified of the final disposition of the case.
7. Members of the CRU shall **not**, unless specific permission has been granted from the Chief, take assignments on their own to conduct a reconstruction for a private or third party entity, or testify as an expert witness in a case, either criminal or civil, for which they have not been officially assigned to.
8. Witness fees that may be payable to a member of the CRU for expert witness testimony in a civil proceeding, subsequent to a criminal case for which the reconstruction was produced, will be handled in compliance with *ADM: 12 Jury/Witness Fees*.
9. All members of the CRU will consider potential conflicts of interest which may arise in reconstruction assignments. Such conflicts or potential conflicts will be brought to the attention of the CRU Commander for resolution.
10. Crash re-constructionists shall meet the following proficiency standards to remain current in the field of crash reconstruction within the Department of Public Safety.
  - a. Re-constructionists shall complete six (6) crash reconstruction investigations annually. The reports shall be submitted for review to the CRU Commander utilizing the criteria outlined in 6.0 C. 3 and 4.
  - b. To maintain proficiency, CRU members shall complete training as assigned by the CRU Commander.

### **D. CRU member selection and assignment –**

When the CRU is in need of additional members, the CRU Commander shall put out a request for interested DPS Officers to apply. The application process shall be as follows:

1. Applicants will provide the CRU Commander with an IDC outlining their interest.
2. Applicants will provide the CRU Commander with copies of three (3) of their best crash reports and any applicable training certificates.
3. Applicants will be interviewed by a panel consisting of the CRU Commander, CRU Assistant Commander and up to three Unit members as deemed appropriate by the CRU Commander.

**E. CRU On-Call Schedule –**

An On-Call schedule shall be developed by the CRU Commander and CRU Assistant Commander.

1. The CRU members shall be placed on the schedule in a rotating fashion and the schedule will be provided to **all** CRU members.
2. CRU members will be required and expected to respond to call outs during their time on call.
3. The CRU Commander or Assistant Commander will be authorized to call CRU members who are not on the current On-Call list based on strategic or logistical needs.

**7.0 ATTACHMENTS**

**NONE**

**8.0 APPROVAL**

**APPROVED BY:** s/Gorden E. Eden Jr. **DATE:** August 13, 2012  
DPS Cabinet Secretary